

In the High Court of Judicature at Madras

Dated: 27.11.2006

Coram:

The Honourable Mr. Justice P.SATHASIVAM

and

The Honourable Mr. Justice S.TAMILVANAN

Writ Appeals No.547, 555, 609 and 610 of 2001

Real Estate Urimaiyalargal
Pothu Nala Sangam, rep.by its
President (Regn.No.1266/2000),
No.27, Perambur-Red Hills High Road,
Lakshmipuram,
Chennai-99. ...Petitioner in w.A.547/2001

The Coimbatore District Real
Estate Promoters' Association,
rep.by its President
C.V.Thambi Thurai,
Ram Nagar, Coimbatore. ...Petitioner in W.A.555/2001

Sultan Mohideen ...Petitioner in W.A.609/2001

Kaja Mohideen ...Petitioner in W.A.610/2001

सत्यमेव जयते
...vs...

1. The State of Tamil Nadu,
by its Secretary,
Commercial Taxes Department,
Chennai-600 009.
2. The Inspector General of
Registration,
Chennai-600 004. ...Respondents 1 and 2 in
W.A.547,555,609 and 610/2001
3. The Deputy Inspector General
of Registration,
Coimbatore. ...3rd Respondent in W.A.555/2001

Prayer: Writ Appeals filed under Clause XV of the Letters Patent against the common order passed in W.P.Nos.20011, 19413, 17834 and 17833 of 2000 dated 03.01.2001 respectively Petition presented u/art 226 of the Constitution of India to issue a Writ of declaration, declaring that the Tamil Nadu Act 48/1997 introducing section 22A in the Registration Act 1908 is ultra Vires and unconstitutional in so far as the members of the Petitioner Sangam is concerned. (W.P.No.20011/00, 17834/00, 17833/00) to issue writ of certiorari calling for the records relating to the order of the 1st respondent in his G.O.Ms.No.150 commercial Taxes Department dated 22.9.2000 and quash the same (W.P.No.19413/00)

For Appellants : Mr.V.Manohar (W.A.547, 609
610 of 2001)
Mr.Palanai Selvaraj
(W.A.555 of 2001)

For Respondents : Mr.K.Elango,
Special Govt.Pleader

COMMON JUDGMENT

(Common Judgment of the Court was
delivered by P.SATHASIVAM, J.,)

Heard both sides.

2. It is not in dispute that in view of the decision of the Supreme Court reported in State of Rajasthan and others ..vs.. Basant Nahata (2005(4) CTC 606), all the writ appeals have to be allowed, and accordingly, the same are allowed. No costs.

Sd/-

सत्यमेव जयते
Asst. Registrar.

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Sub Asst. Registrar.

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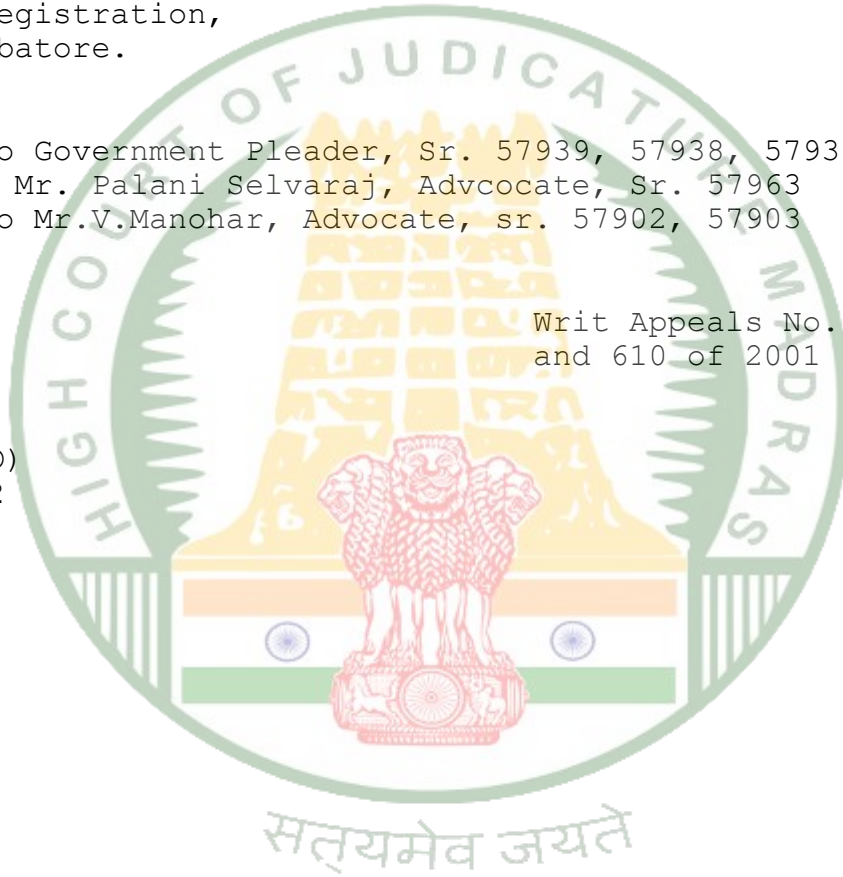
To

1. The Secretary,
Government of Tamil Nadu,
Commercial Taxes Department,
Chennai-600 009.
2. The Inspector General of
Registration,
Chennai-600 004.
3. The Deputy Inspector General
of Registration,
Coimbatore.

3 ccs to Government Pleader, Sr. 57939, 57938, 57937
1 cc to Mr. Palani Selvaraj, Advocate, Sr. 57963
2 ccs to Mr.V.Manohar, Advocate, sr. 57902, 57903

Writ Appeals No.547, 555, 609
and 610 of 2001

MDR (CO)
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